

So Ordered.

Signed this 12th day of January, 2024



*Wendy A. Kinsella*

Wendy A. Kinsella

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

In re:

The Roman Catholic Diocese of  
Ogdensburg, New York,

Debtor.

)  
)  
) Case No. 23-60507 (PGR)

)  
) Chapter 11  
)  
)  
)

**FINAL ORDER AUTHORIZING, BUT NOT DIRECTING,**  
**THE DIOCESE TO CONTINUE TO ADMINISTER THE DEPOSIT**  
**AND LOAN FUND AND DIOCESAN TRUST FUND IN THE ORDINARY**  
**COURSE OF BUSINESS AND CONSISTENT WITH PAST PRACTICE**

Upon the motion of The Roman Catholic Diocese of Ogdensburg, New York (the "Diocese") for entry of interim and final orders authorizing, but not directing, the Diocese to (a) continue to accept deposits, honor withdrawals, originate loans, and otherwise administer the Diocese of Ogdensburg Deposit & Loan Fund (the "Fund"), and to (b) continue to administer The Roman Catholic Diocese of Ogdensburg, New York, Trust Fund (the "DTF"), in each case in the ordinary course of business and consistent with past practice, and granting related relief [Docket

No. 16] (the “Motion”);<sup>1</sup> and upon finding that the Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and upon finding that venue of this Chapter 11 Case and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); and that proper and adequate notice of the Motion has been given and that, except as otherwise ordered herein, no other or further notice is necessary; and orders granting the relief requested in the Motion on an interim basis having been entered on July 19, 2023 [Docket No. 40], August 29, 2023 [Docket No. 99], October 5, 2023 [Docket No. 171], and November 13, 2023 [Docket No. 253]; and the Court having reviewed the Motion and the record in this Chapter 11 Case and determined that granting the relief requested in the Motion on a final basis is in the best interests of the Diocese, its estate, creditors and other parties in interest; and after due deliberation thereon, and good and sufficient cause appearing therefor;

**IT IS HEREBY ORDERED THAT:**

1. The Motion is granted as set forth herein.
2. The Diocese is authorized, but not required, on a final basis, to: (a) continue to accept deposits, honor withdrawals, originate new loans and otherwise administer the Fund for the benefit of the Depositors, and (b) administer the DTF and make distributions therefrom for the benefit of the Beneficiaries, in each case in the ordinary course of business and consistent with past practices and in accordance with the budget attached hereto as Exhibit 1 (the “Budget”), which Budget was provided to the Official Committee of Unsecured Creditors (the “Committee”) for review and approval.

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

3. The Diocese shall not, without the prior consent of the Committee, (i) originate new loans from the Fund, (ii) make disbursements from the DTF, or (iii) allow Depositors to withdraw deposits from the Fund, in an amount that exceeds the respective authorized line item set forth on the Budget by more than 15% (the “Permitted Variance”) provided, however, that if any amounts authorized in the Budget for new loan originations, disbursements or withdrawals are not loaned, disbursed or withdrawn during the time period set forth in the Budget, they may be loaned, disbursed or withdrawn in any subsequent period and shall not be included in the calculation of the Permitted Variance.

4. The Budget may be modified or supplemented from time to time, and may be extended to cover additional time periods beyond the initial Budget, without the need for further Court approval, so long as such modified or supplemental Budget is approved by the Committee. Any supplemental or modified Budgets shall be filed by the Diocese on the Court’s docket in the Diocese’s Chapter 11 Case. In the event that the Diocese and the Committee cannot agree on any modified or supplemental budget as set forth herein, the Diocese may request a section 105 conference with the Court to resolve such disagreement, subject to the schedule of the Court, and on no less than three (3) days’ notice.

5. On a monthly basis, on the 20<sup>th</sup> of each month, the Diocese shall provide to JWAK counsel for the Committee reports reflecting the budget-to-actual variance.

6. The Diocese and the Committee, and their respective counsel and financial representatives, shall meet within thirty (30) days from the entry of this Order, to discuss the Budget and any potential long-term modifications and supplements thereto.

7. Nothing in this Order shall be deemed to be a finding or holding that any funds, securities, assets or other monies in the DTF or in the Fund are or are not property of the Estate or

that any funds, securities, assets or other moneys in the DTF or in the Fund are or are not held in trust for the benefit of any other entity or person. The rights of all parties with respect to the ownership of any funds, securities, assets or other monies in the DTF or in the Fund are expressly reserved.

8. To the extent the implementation of this Order does not comply with the applicable requirements under section 345 of the Bankruptcy Code, the U.S. Trustee Guidelines, or otherwise, such requirements are hereby waived, without prejudice for the U.S Trustee or any party in interest to seek reconsideration of said waiver for cause.

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9. Nothing in the Motion or this Order, nor the Diocese's payment of any amounts pursuant to this Order, if any, shall be construed as (i) an admission as to the validity of any claim against the Diocese, (ii) a waiver or impairment of the Diocese's rights to contest the validity or amount of any claim on any grounds, (iii) a promise to pay any claim, or (iv) an implication or admission by the Diocese that such claim is payable pursuant to this Order.

10. Notwithstanding the possible applicability of Bankruptcy Rules 6004(h), 7062, 9014 or otherwise, this Order shall be effective and enforceable immediately upon its entry.

11. The Diocese is hereby authorized to take all actions it determines are necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

12. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

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**Exhibit 1**

Budget

**Diocese of Ogdensburg  
Deposit and Loan Fund  
Budget**

	Withdrawals		
	Budget	Actual	(Over) Under Budget
December 2023	\$ 175,000		
January 2024	175,000		
February	125,000		
March	125,000		

**Diocese of Ogdensburg**  
**Deposit and Loan Fund**  
**Budget**

	Loans		
	Budget	Actual	(Over) Under Budget
December 2023	\$ 60,000		
January 2024	60,000		
February	60,000		
March	60,000		

**Diocese of Ogdensburg**  
**Diocesan Trust Fund**  
**Budget**

	Dividends & Withdrawals		
	Budget	Actual	(Over) Under Budget
December 2023	218,750		
January 2024	-		
February	-		
March	218,750		